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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/608,985 06/30/00 LAATS

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QM22/0514  
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EXAMINER

VIDOVICH, G

ART UNIT

PAPER NUMBER

3727

DATE MAILED:

05/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/608,985

Applicant(s)

Laats et al.

Examiner

Gregory M. Vidovich

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 30, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 30, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter in claims 1-15 must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.** It is noted that applicant merely appears to some type of loop structure in figures 1-8 wherein each of the figures appears to represent a different ornamentation of exterior appearance of each loop. Applicant claims are not directed to these ornamental features. As will be discussed below, it is unclear as to what applicant regards as the invention. An ordinary artisan, upon reading the disclosure and claims, would clearly have to speculate as to what applicant intends as the invention.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a strap, a securing mechanism for the strap, and a complimentary mating structure as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

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*Specification*

4. The disclosure is objected to because of the following informalities: it is unclear as to what applicant intends as the invention. Applicant merely broadly sets forth an invention in the disclosure without remotely attempting to illustrate this subject matter. One having ordinary skill in the art would clearly have to speculate as to what applicant intends as the invention. Accordingly, upon inspection of the disclosure, which includes the claims, one having ordinary skill in the art would not clearly understand applicant's invention and would clearly have to speculate as to the structure applicant intends. Appropriate correction is required.

5. If applicant continues to prosecute the application, revision of the specification and drawings to present the application in proper form is required. While an application can be amended to make it clearly understandable, **no subject matter can be added that was not disclosed in the application as originally filed.** It is noted that proposed corrections to the drawings to properly illustrate what applicant considers as the invention will most likely result in new matter.

*Claim Rejections - 35 U.S.C. § 112*

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention.

As discussed above, applicant merely broadly describes an inventive concept without providing clear illustration as to what is intended. One of ordinary skill in the art must clearly speculate as to what applicant considers as the invention. Accordingly, applicant's invention was not clearly described in a manner which would allow the ordinary artisan to make and use applicant's invention since the ordinary artisan can not readily determine what is applicant's invention.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed above in detail, applicant has merely set forth an invention concept without providing clear means as to how this accomplished. One must speculate as to what applicant considers as the invention thereby rendering each of applicant's claims indefinite.

In addition, regarding claim 11, it is unclear as to the relationship of the securing mechanism therein with that set forth in claim 1.

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***Claim Rejections - 35 U.S.C. § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-17, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst in view of Swallow.

Regarding claim 1, as best understood, the Furst reference discloses a strap (3, 3) having a securing mechanism (see buckle) as claimed and a retention loop (see figure 1) for receiving the second strap end. Although it is unclear if the retention loop includes mating structure for mating with mating structure on the strap, attention is directed to the Swallow reference (see figure 9) which discloses a loop (see lead line 32) for slidable attachment to a strap and a first mating structure (see lead line 60) for mating with a second mating structure (see proximate lead line 58) on a strap (see proximate lead line 34) for mating the strap to the loop to restrain movement of the strap relative to the loop.

Regarding claims 2-4, although the Furst device as modified above does not include a protruding member and a slot, it would have been an obvious matter of design choice to form this structure, since applicant's specification is silent that this particular claimed feature solves any problems or is for any particular purpose and it would appear that hook and loop fastener would perform equally as well on the Furst device as modified above. See also claims 13-15. Applicant's

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failure to show this claimed subject matter is evidence that this feature is not critical and that practically any mating structure would work equally as well.

Regarding claim 5, see lead line 1.

Regarding claims 6-10, the statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Furst which is capable of being used in the intended manner, i.e., any of the functionally stated articles being secured to the strap (see MPEP 2111 and 2114). Applicant is merely functionally defining each of the articles.

Regarding claim 11, see lead lines 6 in Furst.

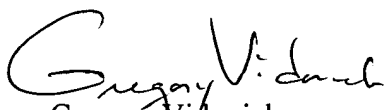
Regarding claim 16, it is the examiner's position that the strap in Furst is made of leather. Alternatively, it is well known in the art that wrist straps are commonly made of leather and the examiner takes Official Notice to this fact. It would have been obvious, if not already, to form the straps in Furst of leather in order to provide a durable strap with aesthetically pleasing qualities.

Regarding claim 17, since the strap in claim 16 is made of leather and applicant uses alternative language, there is no need to address this claim since the limitation in claim 16 regarding the leather is clearly met.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Owens, Schlutz, Miller, Burson, Bagley, Wiswell, and Hines each disclose other strap structures.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Vidovich whose telephone number is (703) 308-1513.

A handwritten signature in cursive script that reads "Gregory Vidovich". The signature is written in dark ink and is positioned above the printed name.

Gregory Vidovich  
Primary Examiner  
Art Unit 3727  
May 10, 2001